

Protection Order Committee
Judicial Conference of Indiana

Minutes
June 24, 2005

The Protection Order Committee met at the Indiana Judicial Center on Friday, June 24, 2005, from 12:00 noon – 3:00 P.M.

1. Members present. Tammy Baitz, George E. Brown, Linda E. Brown, John W. Forcum, John Hammel, Jerry L. Ummel, and Thomas H. Busch, Chair.
2. Staff present. Jeffrey Bercovitz and Tom Jones provided the committee with staff assistance.
3. Minutes. The minutes for April 22, 2005, were approved.
4. Guests. Kelly Dignin and Vivian Nowaczewski, Indiana State Police, also attended the meeting.
5. Review of revised forms.
 - a. Committee members reviewed and revised the following memo, revision table, and forms:
 1. Cover memo—Mr. Bercovitz submitted a cover memo ~~that would go to for~~ judicial officers, clerks, and prosecutors to explain the changes that would take place on the Protection Order website effective July 1, 2005, for the committee's review. Committee members directed Mr. Becovitz to revise the cover memo to also explain the additional revisions that were made to the forms at the June 24th meeting.
 2. Revision Table—On the motion of Tammy Baitz, committee members voted to include the last revision date as a header to the Revision Table.
 3. Dismissal of the Protection Order Petition and/or Order (PO-0108) and Order Dismissing the Petition and/or Order (PO-0109)—The Honorable Judge James Detamore, ~~Judge of the~~ Boone Superior Court #2, ~~had~~ submitted a suggestion to amend these two forms to allow for the dismissal of an existing order of protection as well as the petition. Committee members accepted Judge Detamore's proposals with a few minor revisions.
 4. No Contact Orders NC-0100, NC-0101, and NC-0102—Committee members made additional changes to these three forms to be in compliance with Administrative Rule 9 regarding Social Security Numbers. The captions in the three forms will be constructed to request only the final four digits of the Social Security Number.
 5. Instructions for the Workplace Violence Restraining Orders (WV-0100) were amended regarding corporate representation. Committee members made these amendments in response to a request submitted by the Honorable Judge

Douglas Stephens, ~~Judge of the~~ Pike Township Small Claims Court in Marion County.

- b. Committee members reviewed and approved the past revisions made to the following forms:
 1. The Cover Sheet was changed to make it easier to indicate whether federal law is applicable in a particular case, to reflect changes in an Indiana statute citation due to the recodification of Title 33 of the *Indiana Code*, and to comply with Administrative Rule 9.
 2. The Ex Parte Order for Protection, PO-0105, Order for Protection (short form, PO-0112, and Order for Protection (long form), PO-0113, were enhanced for purposes of federal law.
 3. No Contact Orders (NC-0100 through NC-0104) were amended to include the IDACS codes in the right hand margins, and they also were amended to comply with Administrative Rule 9 as stated-indicated above.
 4. Supplement for the Cover Sheet in No Contact Orders (NC-0105) and the Supplement for the Confidential Form in No Contact Orders (NC-0106) are two new forms created by the committee to be used when there are multiple protected persons. These two supplements are to be used with No Contact Orders only.
 - c. Committee members directed the staff to make arrangements with Lindsey Borschel of the JTAC branch of the Division of State Court Administration to update the Protection Order website concerning the changes to the Revision Table and forms that have been made by the committee. Changes to the website will be effective on July 1, 2005.
6. Best practices for protection orders. Committee members reviewed the following best practices:
- a. Judge Busch: Issuance of Ex Parte Order, then transfer—Questions 13 & 15.
 - b. Judge Hammel: Procedures for weapons, visitation, possession or residence, and personal property—Question 16.
 - c. Judge George Brown: General comments on protection orders—Questions 30, 31, & 32.
 - d. Committee members did agree to consider three levels of dissemination of the survey results: (1) post the raw data that was circulated to the committee; (2) post the summaries of responses without editorial comment; and (3) recommend best practices. The committee did not decide whether to do all three.
7. Other business.
- a. Judge Busch thanked Judge Hammel for speaking to the State Board Accounts called Annual Meeting of the Association of Circuit Court Clerks of Indiana on Thursday June 23, 2005, on protection orders. Judge Busch also complimented Judge Hammel on the positive reviews that he had received concerning the presentation.

- b. Judge Busch asked Judge Hammel if members of the committee could use the power point presentation that Judge Hammel had developed for future educational presentations. Judge Busch indicated that he ~~personally~~ would like to use parts of the power point presentation in some upcoming educational presentations.
~~of his own.~~
 - c. Committee members also reviewed and commented on a series of questions presented by ~~the Honorable Judge~~ Chris Monroe, ~~Judge of~~ Bartholomew Superior Court #1. (Note: Judge Monroe is a former member of the committee.) concerning the failure of a petitioner to advise the court on a change of address that made giving notice very difficult. Committee members essentially agreed with Judge Monroe's actions in the case, although they may have done a few things differently. Judge Busch, with input from the staff, will develop and send a response to Judge Monroe.
 - d. Judge Hammel raised an issue for possible future discussion and possible future inclusion in the deskbook concerning a jurisdictional issue in the situation where a domestic abuse incident has occurred outside of the state of Indiana. The victim then flees to Indiana, but the abuser does not enter Indiana. However, the abuser, through telephone calls or threatening e-mail messages, continues to threaten the victim. The victim then seeks a protective order in Indiana. Judge Hammel then raised the legal issue in question: Do Indiana courts have jurisdiction over the abuser if the abuser does not enter the state of Indiana?
8. Next meeting.
- a. Due to a large number of vacations in July, committee members voted to cancel the July 22, 2005, meeting. The next meeting will be on Friday, August 26, 2005, at the Indiana Judicial Center from 12:00 noon to 3:30 PM.
 - b. Committee members agreed to work on their various Best Practices assignments to fit into the bullet-point format developed at the April 22, 2005, meeting.
 - c. Judge Forcum volunteered to write a memo explaining the changes that have been made in the forms regarding the Brady Law. This memo will either be sent by e-mail to judicial officers, clerks, and prosecutors or it will be incorporated into the Best Practices supplement to the deskbook.

Respectfully submitted,

Thomas Jones, Records Manager
Division of State Court Administration